

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**MASTER SHORT FORM COMPLAINT  
FOR DAMAGES FOR INDIVIDUAL  
CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named below,  
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

DEBRA TINLIN

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
consortium claim:

JAMES FRANCES TINLIN

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
the time of implant:

WISCONSIN

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

WISCONSIN

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

WISCONSIN

7. District Court and Division in which venue would be proper absent direct filing:

Eastern District of Wisconsin, Green Bay Division

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: \_\_\_\_\_

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☒ Recovery<sup>®</sup> Vena Cava Filter

☐ G2<sup>®</sup> Vena Cava Filter

☐ G2<sup>®</sup> Express (G2<sup>®</sup>X) Vena Cava Filter

☐ Eclipse<sup>®</sup> Vena Cava Filter

☐ Meridian<sup>®</sup> Vena Cava Filter

☐ Denali<sup>®</sup> Vena Cava Filter

☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

On or about May 7, 2005

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

- 1           ☒     Count XIII:   Fraudulent Concealment
- 2           ☒     Count XIV:   Violations of Applicable Wisconsin Law Prohibiting
- 3                     Consumer Fraud and Unfair and Deceptive Trade Practices
- 4           ☒     Count XV:    Loss of Consortium
- 5           ☐      Count XVI:   Wrongful Death
- 6           ☐      Count XVII:   Survival
- 7           ☒     Punitive Damages
- 8           ☐      Other(s):     \_\_\_\_\_ (please state the facts supporting
- 9                     this Count in the space immediately below)

10                     \_\_\_\_\_

11                     \_\_\_\_\_

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16           Plaintiff demands a jury trial.

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RESPECTFULLY SUBMITTED this 28<sup>th</sup> day of January, 2016.

**LOPEZ McHUGH LLP**

By: /s/Matthew R. Lopez

Ramon Rossi Lopez (CA Bar No. 86361)  
(admitted *pro hac vice*)

Matthew Ramon Lopez (CA Bar No. 263134)  
(admitted *pro hac vice*)

100 Bayview Circle, Suite 5600  
Newport Beach, California 92660

*Attorneys for Plaintiffs*

I hereby certify that on this 28<sup>th</sup> day of January, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/Matthew Ramon Lopez